

12-1-1978

The Environmental Protection Hustle

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Recommended Citation

Kevin C. Devine, *The Environmental Protection Hustle*, 7 B.C. Env'tl. Aff. L. Rev. 359 (1978),
<http://lawdigitalcommons.bc.edu/ealr/vol7/iss2/6>

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BOOK REVIEW

THE ENVIRONMENTAL PROTECTION HUSTLE. By Bernard J. Frieden. Cambridge: MIT Press, 1979. Pp. 211. \$12.50.

*Reviewed by Kevin Cutler Devine**

One need read only the title of Bernard Frieden's latest book, *The Environmental Protection Hustle*,¹ to know the tenor of its message. Yet the audacity of its title belies the importance of the author's message: under the guise of "environmental protection" and "slow-growth planning," various groups with differing goals have placed a stranglehold on suburban housing development leading, according to Frieden, to "no-growth politics."² The results of such a stranglehold are: (1) a limitation of the availability of middle- and low-income housing; (2) an increase in home prices to a point beyond which anyone save the very well-to-do can afford; (3) an increase in the migration of potential homebuyers away from the centrally located suburbs, thus increasing the environmental problems associated with commuting long distances; and, (4) the discouragement of careful planning in housing development. No one can study this book and remain unimpressed with the author's analysis.

The Environmental Protection Hustle concerns housing (in particular, the rising costs of single-family housing) and the relationship of environmental protection to urban and suburban planning. The book is also about the child of legislative scrutiny, the regulatory process. Yet, perhaps most significantly, the book concerns

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¹ B. FRIEDEN, *THE ENVIRONMENTAL PROTECTION HUSTLE* (1979). Mr. Frieden is also the co-author of B. FRIEDEN & M. KAPLAN, *THE POLITICS OF NEGLECT: URBAN AID FROM MODEL CITIES TO REVENUE SHARING* (1975); and a professor of Urban Studies and Planning at the Massachusetts Institute of Technology, Cambridge, Massachusetts.

² B. FRIEDEN, *THE ENVIRONMENTAL PROTECTION HUSTLE* 139-56 (1979).

people, people who need and want homes of their own in a comfortable community. These people, says Frieden, have "the greatest stake in [the growth vs. no-growth] controversy,"³ but, when the regulatory process begins, they are "neither involved nor represented."⁴

Frieden prepared for this work by studying the histories of housing problems in several northern California counties. He selected California partly because, at the time of his studies, he was situated at the University of California at Berkeley. In addition, Frieden states that he was convinced that "California was leading the country in a new commitment to protect the environment against the sometimes unfortunate consequences of urban growth."⁵ Frieden's conviction appears sound. California, perhaps more than any other state, has experienced wildly fluctuating demographic changes during the past several decades, making housing controversies in California the probable model for similar disputes in other parts of the nation. Nevertheless, Frieden hopes that such disputes will not arise, or, if they do, that they will not be similarly resolved.

Through careful review of numerous case studies concerning proposed housing developments in suburban California communities, Frieden demonstrates the use and abuse of the regulatory process, which, though designed to assure environmentally sound planning, has "turned into a mine field"⁶ for those interested in development of *any* sort. Frieden's review of the case studies blasts the myth that environmental protection results in an egalitarian benefit for all of society. Rather, the author notes, the too often "exaggerated conception of limits [to growth] must raise questions about whether there is also a responsibility to share resources with the rest of society."⁷ States Frieden:

Contrary to a widespread belief . . . when housing proposals generate stiff opposition, developers do not usually persist with their original plans and simply raise prices enough to cover the costs of delays, legal proceedings, or other regulatory expenses. Instead, they compromise with their critics by cutting the number of moderate-cost houses in their plans and substituting a smaller number of houses that only high-income families can afford.⁸

³ *Id.* at 59.

⁴ *Id.*

⁵ *Id.* at ix.

⁶ *Id.* at 60.

⁷ *Id.* at 51.

⁸ *Id.* at 52.

The compromise struck is always "at the expense of someone who was not there: the housing consumer."⁹

Frieden views the regulatory process that engenders these housing compromises as a card game being played with a stacked deck. The regulators "give the opponents repeated chances to shoot down a proposal. They create so many delays and uncertainties that they . . . make [the developer] ready to compromise in order to get anything built. And they fail to represent housing consumers. . . ."¹⁰

Who are these opponents of low- and moderate-cost housing? Frieden's book suggests a strange coalition composed of environmentalists (preservationists really), suburbanites wishing to maintain the *status quo*, and the wealthy. "Environmental issues have given respectability to defenders of the suburban *status quo*, spreading a cover of the public interest over what would otherwise be a narrow case of self-interest."¹¹ Thus, *The Environmental Protection Hustle* portrays anti-housing environmentalists as elitist "no-growthers" who are caught up in a suburban "lifeboat ethic."¹² With seeming sardonic pleasure, Frieden asks: "Is it possible that behind the facade of concern for the public interest environmentalists have mainly their own interests in mind?"¹³

Perhaps they do. But then again perhaps they do not. The really remarkable result of Frieden's book is not his conclusion that environmentalists have often been misguided, but that after reading the book most readers would agree with that conclusion. Even a reviewer with a strong environmental bias must admit that the book is well-researched and well-written. While Frieden's work most likely will not draw excessive criticism from persons dedicated to "slow-growth" policies, it will undoubtedly stir deep controversy among those dedicated to "no-growth."

The conclusion to *The Environmental Protection Hustle* stands as a practical warning to those persons who offer environmental epithets in order to preserve the *status quo* of suburban life: "If they

⁹ *Id.* at 59.

¹⁰ *Id.* at 94.

¹¹ *Id.* at 119.

¹² *Id.* at 178-83. The "lifeboat ethic" referred to, as applied to the housing problem, "supplies a ready rationale for the defense of privilege," according to Frieden. *Id.* at 178. Those already comfortably established in a suburban community are apt to fight to prevent others from moving in, especially if it would alter the socioeconomic character of the area. See *id.* at 178-83.

¹³ *Id.* at 134.

want to keep a base of popular support, they will have to offer the average person something better than a rear view of a fleet of fat lifeboats sailing into the sunset while he flounders behind in the water."¹⁴ For those involved in urban and suburban planning, this book deserves a considered reading.

¹⁴ *Id.* at 183.